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WSS/gjz
7/17/08

ORDINANCE NO. 3691

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 16.43 BD (DOWNTOWN BUSINESS) BY ADDING A SECTION 16.43.035 TO CLARIFY AND SUPPLEMENT THE PROCEDURES APPLICABLE TO THE GROUND FLOOR REQUIREMENTS IN THE BD-1 ZONE, SETTING A PUBLIC HEARING DATE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, Chapter 16.43 BD (Downtown Business) establishes requirements for the BD zones including BD-1; and

WHEREAS, the intent of the Council as expressed in its legislative record and the plain wording of the chapter is to require that the ground floor of all developments in the BD-1 be devoted entirely to commercial uses and be no less than fifteen feet in height; and

WHEREAS, a potential applicant for development in the BD-1 zone has requested clarification from the staff in the form of a code interpretation, and staff has affirmed the Council's intent and understanding; and

WHEREAS, the City Council recognizes that substantial monies may be invested by property owners in reliance on their understanding of code provisions and wishes to provide clear guidance in line with its past intent, and what the City Council believes to be the clear, current language of the code as it relates to the BD-1 zone; and

WHEREAS, the Growth Management Act, RCW 36.70A.390 authorizes the uses of an interim zoning ordinance where the City Council finds that the health, safety and welfare so require; and

WHEREAS, the City Council wishes to refer this matter to the Planning Board and encourages the Planning Board to work with property owners and citizens in the downtown area to review the existing code provisions and this interpretation, in order to make recommendations that would permit property owners to make profitable and efficient use of their properties while meeting the purposes and intent of the City's Comprehensive Plan and the BD-1 zone; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds Community Development Code Chapter 16.43 is hereby amended by the addition of a new subsection 16.43.035 Application of Requirements to the BD-1 Zone, as an interim zoning ordinance:

16.43.035 Application of requirements to the BD-1 zone.

The application and interpretation of Chapter 16.43 BD Downtown Business to any development permit or application within the BD-1 zone shall conform to the requirements of this section. These requirements are enacted in order to clarify the intent of the City Council and the application of existing language of the Code. In the event of conflict or ambiguity with any provision of this chapter, or the definition sections of the Community Development Code, these provisions shall control.

The ground floor of the development in the BD-1 zone shall be devoted entirely to commercial uses as provided by the first sentence of ECDC 16.43.030(B)(3). The ground floor shall be no less than fifteen feet in height measured in accordance with ECDC 16.43.030. Except to the minimum extent necessary to exercise the rights granted pursuant to ECDC 16.43.030(B)(2)(b), the ground floor shall be in one plane, extending the entire width and breadth of the building.

Section 2. In accordance with the requirements of RCW 36.70A.390, a public hearing shall be held on this matter on _____, 2008 at 7:00 PM or as soon thereafter as the public may be heard. Such date is within sixty days of the adoption of this ordinance.

Section 3. The City Council refers this matter to the Planning Board for its review and recommendation. In addition to recommendations regarding the changes necessary to address this interim ordinance, the Planning Board is encouraged to work with property owners and citizens to make recommendations regarding how the purposes of the BD-1 zone and the Comprehensive Plan can be met while providing for the efficient and economically viable use of property in the BD-1 zone. The Planning Board is encouraged to consider and make recommendations regarding any change which would improve the economic viability of businesses which utilize the commercial space established and constructed pursuant to these provisions.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. This interim ordinance shall expire on its own terms six months after the effective date unless extended or repealed by action of the City Council.


APPROVED:


MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	07/18/2008
PASSED BY THE CITY COUNCIL:	07/22/2008
PUBLISHED:	07/27/2008
EFFECTIVE DATE:	08/01/2008
ORDINANCE NO. <u>3691</u>	

SUMMARY OF ORDINANCE NO. 3691

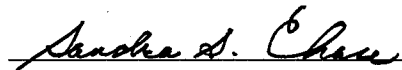
of the City of Edmonds, Washington

On the 22nd day of July, 2008, the City Council of the City of Edmonds, passed Ordinance No. 3691. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 16.43 BD (DOWNTOWN BUSINESS) BY ADDING A SECTION 16.43.035 TO CLARIFY AND SUPPLEMENT THE PROCEDURES APPLICABLE TO THE GROUND FLOOR REQUIREMENTS IN THE BD-1 ZONE, SETTING A PUBLIC HEARING DATE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 23rd day of July, 2008.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

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HEARING DATE, AND FIX-
ING A TIME WHEN THE
SAME SHALL BECOME EF-
FECTIVE.
The full text of this Ordi-
nance will be mailed upon
request.
DATED this 23rd day of
July, 2008.
CITY CLERK
SANDRA S. CHASE
Published: July 27, 2008.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3691

Adopting an Interim Zoning Ordinance

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

July 27, 2008

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Snolf

Principal Clerk

Subscribed and sworn to before me this

28th

day of July, 2008

Bobbe J. Alf

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

AUG 05 2008

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 10146

File Number: 0001603274

